

PRESENT: Mayor Gary Herzig
Council Member Larry Malone
Council Member Maureen Hennessy
Council Member David Rissberger
Council Member Michael E. Lynch, Jr.
Council Member Madolyn Palmer
Council Member Bob Brzozowski
Council Member Chip Holmes
ABSENT: Council Member Southard

Mayor Herzig called the Regular Meeting to order at 7:07pm. He asked the Clerk to call the roll.

Everyone present stood for the Pledge of Allegiance.

Mayor Herzig welcomed everyone to his first Council Meeting as Mayor. There was general applause.

PROCLAMATION – CONSTITUTION WEEK

Mayor Herzig stated he had his first proclamation to make and it was very apropos considering that thirty minutes ago he had taken an oath to uphold the Constitution of the United States. Mayor Herzig then read the following proclamation.

“WHEREAS, The Constitution of the United States of America, the basis of our liberties, embodies the principles of government in a republic dedicated to rule by law; and

WHEREAS, September 17, 2015, marks the two hundred twenty-eighth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, It is fitting and proper to once again accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

*NOW, THEREFORE, I, Gary Herzig, by virtue of the authority vested in me as Mayor of the City of Oneonta do hereby proclaim the week of September 17 – 23 as **Constitution Week** and ask our citizens to recommit to the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Oneonta to be affixed this 15th day of September 2015.

Gary Herzig
Mayor”

PETITIONERS/PUBLIC HEARINGS

Mayor Herzig indicated there were no advertised public hearings scheduled.

Mayor Herzig asked if any petitioners wished to address the Council on any matter. He then recognized Town of Oneonta Supervisor Robert Wood.

Supervisor Wood thanked Mayor Herzig and stated he looks forward to working with the Mayor and Council. He stated most knew him but some may not. He said he feels very much at home in this room; he had watched the walls being stained when it was under construction. He built the table Council sits at with his father, and where he sat as an Alderman for three years. He said he felt very connected to the City of Oneonta. When he moved to the Town, his desire to continue in Public Service extended, and he was elected Town Supervisor in 2007. He said he looked forward to working with the City Council Members and Department Heads as the Town had in the past. He noticed some discussion about this theory was to have an outside group come in and offer some suggestions for things that are not being looked at presently. He said the Town did not really feel that this was always productive. That the people who worked in Town Hall would be glad to meet with the City Department Heads. That direct interaction between the Town and the City would be more effective than paying someone to come in from the outside. He stated that is how the Town felt. Having served for both, he said Town residents looked at

things differently regarding levels of service and expectations. While the Town respected the City's view on things, it hoped the City respected the Town's view and that both could work together, albeit as separate governments, at least for the time being until changed by the will of the people. He then welcomed comments. He stated he really understood where everyone in the room was coming from having been on that side. He had served on the Commission that had done the Consolidation Study in 1997. There had always been this assumption that sales tax would completely offset the property tax for the whole community. Realistically, when they did the numbers, it was not found to be that persuasive. He thanked everyone. He went on to say Mayor Herzig had spoken with the Town Highway Superintendent about meeting together with Supervisor Harrison to try to coordinate some of the projects that get done regarding equipment purchasing and scheduling of Public Works jobs. That way if the same company were to be used, it would not have to leave and then return in three weeks. That alone would save the communities money. It was one of the first things to be looked at and was an easy way to build up more communication.

Mayor Herzig thanked Town Supervisor Wood. He then asked if anyone else wished to speak.

Dr. Fida Mohammed, Monroe Avenue, Oneonta, said he felt as he was a victim of hate and bigotry and wished to make the following statement:

"As a Muslim citizen of Oneonta and United States today I am here and seeking your help.

Since summer, I have called the OPD three times because of my neighbor's harassment and mistreatment of my family and me.

For the last eight years, we have endured his harassment.

In order to contextualize our problem we have to look at the historical pattern: We believe that about eight or nine years ago, he called the FBI on us; that we were terrorists or had some connection. Why I believe that is because FBI Agents told me that a neighbor called. The only neighbor that had a problem with us was Craig Gelbsman and I mentioned that to them and they also realized it was a malicious call.

We strongly believe, but cannot prove, that Mr. Gelbsman had a friend in OPD and, with his connivance, the FBI was contacted.

We came to the Oneonta City Human Rights and Community Relations Commission and they listened to our grievances; meetings were also attended by Sam Pollak of Daily Star. He pretended to be a supporter. When the Commission started work the then Mayor, and whoever was giving legal advice to her, dissolved the Commission.

Mr. Pollak promised me that he would do a story for community awareness, and asked me to give him my personal information under Freedom of Information Act so he could get background data about me. I said to him, "Sure", did the paperwork, got the report, and there was nothing unusual in my background. Mr. Pollak reneged on his promise and refused to do a story. Then I asked him, "Why"? Mr. Pollak said, "You cannot prove that FBI Agents came to your home." He had seen business cards of two FBI Agents and I said to Mr. Pollak "I and my wife met with FBI Agents and we do not suffer from hallucinations. Also, I am not so strong as to falsely accuse the FBI." Mr. Pollack shrugged me off. Later somebody told me that Mr. Pollak and Mr. Gelbsman are friends and he would never write a story in which Gelbsman is involved.

After that, Mr. Gelbsman's harassment escalated and his dog would frequently come to our lawn and scare my kids. During all this time, my older child would not play on the lawn because of his dog.

Dr. Chris and Dr. Carolyn Wolf-Gould spoke to Mr. Gelbsman but he did not pay any attention to it.

Later he started dumping his construction garbage in my backyard.

I have a little son, 5 years old, and he was chased multiple times on our lawn by the Gelbsman's dog in their presence. I protested to Mrs. Gelbsman and said that this is enough; now I will call the Police. Also, I was then cleaning the feces of their dog for eight years and that must stop. She dismissively looked at me and left.

After that happened three times, the Gelbsman's dog came after my little son and me on Monroe Ave. My son started screaming when the dog was chasing us. This was witnessed by my neighbors and they spoke to the Police.

I need help from this community so I am not victimized by a neighbor who has no respect and refuses to behave in a civilized fashion. I am living in the United States of America and deserve the respect that any citizen should expect to receive."

Mayor Herzig asked Dr. Mohammed if he would be willing to provide a copy of his statement to the City Clerk to which he agreed. Mayor Herzig then asked if there was anyone else who wished to address the Council.

George Siatos, 20 Gardner Place, addressing Mayor Herzig as "Your Honor" said, at the last Council meeting, Council Member Malone delivered a prepared, lengthy statement in response to critics, including some fellow Council Members who said the Chicken Ordinance was given far more consideration than the resolution to fire the City Manager. Council Member Malone read an impressive chronology of steps taken before the suspension and subsequent firing of Mr. Murphy. Council member Malone's recital came nearly two months after the fact and was a rationalization. What was mentioned were the criticisms about a gag order placed on public comment. The citizens who attended the Special Council Meeting, including Members of the Charter Commission, were barred from speaking. It was a total blackout, unlike the limitless heated public debate given to chickens. Council Member Hennessy had stated public comments would be allowed the following week at the regular meeting, after the predetermined votes to suspend and fire the City Manager had been counted. Mr. Siatos went on to read some of the comments he had found in the two local newspapers regarding the search for and dismissal of the former City Manager. He then said, in conclusion, after January 1st when Your Honor asks, "How am I doing?", hopefully Oneonta citizens will say "Great Mr. Mayor". You have my support and thank you for allowing me to speak.

Hearing no further petitioners, Mayor Herzig closed the petitioners' section of the meeting.

Mayor Herzig then asked for the Committee and Commission Reports.

COMMITTEE REPORTS

Finance & Administration Committee

Council member Malone stated Committee had a full Agenda on Tuesday when they met, which they expeditiously made their way through. With the exception of the approval of the minutes, tonight the entire seven are on the agenda. He did want to note under individual items, item #7 is not quite ready for prime time so they wanted to pull it for further refinement.

FTO/CIC Committee

Council Member Brzozowski reported the Committee also met on Tuesday, and there were several items on the agenda, many of which action was deferred. For example, parking on Walnut Street. Engineering has to look at some DOT recommendations before that can be finalized. The discussion on blighted property investments was deferred regarding funding clarification. The Early Morning Garbage Pick-up Ordinance has been deferred, until more information and feedback, including comments from Engineering and Community Development, are received.

COMMISSION REPORTS

Board of Public Service

Council Member Palmer said the Board had met last week. The only thing on the agenda had to do with Water Meter reading, and they will meet again the first Thursday at 4pm in October.

Environmental Board

Council Member Malone stated he was unable to attend the meeting. He was unsure as to whether the meeting had been cancelled as there were many Members out of town.

City Clerk Powell stated yes that meeting was cancelled.

Council Member Malone said the next meeting would be the first Wednesday of next month.

Mayor Herzig asked for the Public Safety Reports

PUBLIC SAFETY REPORTS

Police Chief Naylor gave an overview of his monthly report.

Mayor Herzig stated he wanted to thank Police Chief Naylor for setting aside time and meeting with him. Chief Naylor had updated him and brought him up to speed on many of the proactive initiatives the Chief has going on. Mayor Herzig was very impressed and thanked him.

Fire Chief Pidgeon congratulated Mayor Herzig on his appointment and continued on to give an overview of his monthly report.

Mayor Herzig stated he also wanted to thank Fire Chief Pidgeon and Assistant Fire Chief Maloney for spending some time with him bringing him up to speed on Fire Department issues. The Mayor said when he had asked if could he drive the new truck, he was told no.

There was general laughter.

The Council held a brief discussion on some of the reported items.

CITY MANAGER'S REPORT

Acting City Manager Hungerford stated she wanted to start by thanking City Clerk Nancy S. Powell and Human Resources Director Kathy Wolverton for their work in coordinating the reception and the swearing-in ceremony this evening. She said those things reminded her of holidays. You spent all this time planning and then it is all over. It might appear very simple, but it would not have happened without their efforts, which were much appreciated.

She then went on to highlight what was going on with various grant items. Main Street Planning Grant had a kick-off meeting. The outcome of that grant will involve all the addresses on Main Street, what plans we might want to consider as we apply for future funding and what elements could be added to Main Street. There will be different focus groups that will include downtown merchants, downtown business owners and a focus group that includes residents. Each of those groups will be able to provide input on what they would like to see and what would be a good asset for Main Street. A representative from each of those groups will then sit in on an advisory group, as well as some stakeholders who have been identified, and they will work through the process with the LA Group as they develop the final report.

The City has a Main Street Streetscape grant that involves construction downtown for the streetscape, planters, benches and things like that. It is in the planning stages and, we are looking at April - May timeframe for construction.

On the agenda tonight is a motion for authorization to sign an agreement with Delta Engineering related to the Neahwa Park entry. This is a grant the City received through a Request for Proposals. Council selected Delta Engineering as the engineering firm for this project last November. The next step will be to determine a fee and agree on a proposal, which will be presented tonight. There were prior difficulties with issues related to the right-of-ways and property ownership in that area. Moving forward on this will address those issues for the long term.

There will be a Planning Commission Meeting and a Special Meeting of the Zoning Board held tomorrow evening. One of big items will be the Housing Visions project and there will be a Public Hearing before the Planning Commission so they may review that.

We are in the process of hiring a Deputy Clerk. The City has received over a dozen applications. We anticipate interviews within the next couple of weeks and hope to be able to bring this to Council for action on the appointment by the next meeting.

Council recently adopted a policy related to how the City follows up on Community Development loans that have been issued. There are several steps in that process, and we are moving along to ensure the funding and payment process is complete.

Otsego County is undergoing a Strategic Planning process. As part of that, they have reached out to the municipalities within the county to gather a large amount of information, including everything from land use ordinances, to departmental functions and staffing, to budget and priorities. A number of people

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within City Hall, and both Mayor Southard and Mayor Herzig participated in that process and the information has been provided to the County

Work on the 2016 Budget continues. Department heads have until the end of this month to submit their requests. After that, all the pieces will be put together. Acting City Manager Hungerford anticipates to start being able to talk to the Committees and Council about next year's priorities by the end of October.

Regarding the Chair of Finance Committee's comment for removal of the motion for item #7 on tonight's agenda, the motion is for work at the Wastewater Treatment plant. The bids were opened today. It had been hoped to move things along quickly, but the funding is slightly over what was budgeted so it will require additional funding.

The Departments of Public Service and Engineering have been very busy with many street and water projects. Another motion on the agenda is to appoint Paul White as a heavy equipment operator. He has been working part time for the City for several weeks. There is a vacancy in the Department of Public Service and it is felt that he will be a huge asset to that Department.

Also, the City has a Microenterprise Grant that is in process. The review committee has met and started to look at applications. A deadline of October 1st for applications to be in so they can be considered has been noticed publicly and communicated to people who have expressed an interest

Acting City Manager Hungerford stated at last council meeting as part of her report she had showed the 2015 goals update. There had been discussion that Council wanted to revisit them at a future meeting. She said she would like to recommend, if the Committee Chairs approve, to handle this in similar fashion to another recent issue. She would recommend that at the next committee meetings, the last 15 minutes of FTO/CIC and the first 15 minutes of Finance/Administration be set aside for discussion on this matter. She encouraged Council to review the document that had been provided to them at the previous meeting. Acting City Manager Hungerford planned to update those goals and provide some of her input at the next Council Meeting. She felt as though that would be a good opportunity for Council input.

Mayor Herzig thanked Acting City Manager Hungerford and asked for any discussion. Hearing none, he went on to read the consent agenda.

CONSENT AGENDA

Mayor Herzig read the Consent Agenda and asked whether Council Members wished to remove any items.

Council Member Hennessy asked for Item #3 to be removed.

Council Member Brzozowski asked for Item # 1 to be removed, and stated that in Item #2 Neahwa is misspelled.

Mayor Herzig stated Item #2 would remain on the Consent Agenda. He then asked for a motion to approve the Consent Agenda, which includes Item #2, Item #4 and Item #5.

MOTION, made by Council Member Palmer and seconded by Council Member Rissberger, that the Common Council approves the Consent Agenda.

Finance/Administration/Human Resources Committee:

2. Motion authorizing the Acting City Manager to enter into the Architectural/Engineering Consultant Agreement with Delta Engineers, Architects, & Land Surveyors, PC, as presented, for services related to the Neahwa Park Entrance in an amount not to exceed \$104,350.00, subject to review by the City Attorney.
4. Motion that the Common Council approves the budget amendments totaling \$ 50,000.00, as presented in the Budget Adjustment Report.
5. Motion that the Common Council approves the warrants totaling \$ 417,269.51, and that the same be placed on the Director of Finance's desk for payment, as presented.

Mayor Herzig asked for discussion, hearing none, he asked the Clerk to call the roll.

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(voting on Consent Agenda continued)

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Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: Council Member Southard

MOTION CARRIED, 7-0-1

INDIVIDUAL MOTIONS AND RESOLUTIONS FOR DISCUSSION

Mayor Herzig asked for a motion on Item #1.

MOTION, made by Council Member Lynch and seconded by Council Member Malone that the Common Council approves the minutes of the regular meeting held August 18, 2015.

Mayor Herzig asked for discussion.

Council Member Brzozowski stated that the Council vote regarding Item #1 in the email distributed draft minutes indicated that he had recognized Meg Hungerford's efforts as City Manager, but it stated he did not have a problem with the amount of the stipend, when in fact he did not feel as he could support the amount of the stipend and wished to have the record reflect such. He also noted that since his notification to the City Clerk, a correction had been made to present his vote as it had stood and he appreciated that.

City Attorney Merzig recommended that Council pass the minutes with a motion that stated approved by Council as amended.

MOTION, made by Council Member Holmes and seconded by Council Member Brzozowski that the Common Council approves the minutes of the regular meeting held August 18, 2015 as amended.

Hearing no further discussion, Mayor Herzig asked the Clerk to call the roll.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: Council Member Southard

MOTION CARRIED, 7-0-1

Acting Mayor Southard asked for a motion on Item #6.

MOTION, made by Council Member Malone and seconded by Council Member Hennessy, that the Common Council grant a residency waiver pursuant to City of Oneonta Code §§45-2 and 45-10 to Police Officer Amber Bailey for the period January 1, 2016 through December 31, 2016. This residency waiver is limited solely to this time period.

NOTE: this motion must pass by a ¾ vote of the Council.

Mayor Herzig asked for discussion.

Council Member Hennessy stated she was just wondering if someone could explain what the waiver was for and why it was temporary.

Council Member Malone said from what was presented at the Finance/Administration meeting, she is going to live a mile or two beyond the city line as she has the opportunity to basically house sit for the year.

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(Motion on Item #6 continued)

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Acting City Manager Hungerford said the residency requirement requires that you live within thirty minutes. This is roughly thirty-two to thirty-five minutes and it is a family situation.

Council Member Malone there was a sunset clause in place and the Police Department had no objections.

Council Member Brzozowski stated he was glad it had been pulled for discussion.

Hearing no further discussion, Mayor Herzig asked the Clerk to call the roll.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: Council Member Southard

MOTION CARRIED, 7-0-1

Finance/Administration/Human Resources Committee:

Mayor Herzig asked for a motion on Item #6.

MOTION, made by Council Member Malone and seconded by Council Member Hennessy that the Common Council awards the bid for 2015 WWTP Influent Gate Controller Replacement, Contract 10-G-2015, to Stephen Miller General Contractors in the amount of \$ 53,280.00 as recommended by the Purchasing Agent following the opening of the bids on September 14, 2015.

Mayor Herzig asked for discussion.

Council Member Rissberger inquired as to what an Influent Gate Controller was.

Senior Engineering Technician Mattice gave a brief description of the item and its function.

Acting City Manager Hungerford stated this was budgeted for this year. In April it became apparent the amount that had been budgeted was inadequate. At that time, Council provided additional funding, and that funding was more than adequate to cover the amount needed. The amount was not available at the Finance meeting because the bids were opened yesterday. That is why this item appeared under individual motions for discussion.

Hearing no further discussion, Mayor Herzig asked the Clerk to call the roll.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: Council Member Southard

MOTION CARRIED, 7-0-1

Mayor Herzig asked for a motion on Item #8.

MOTION, made by Council Member Malone and seconded by Council Member Lynch that the Common Council permanently appoints Paul White to the position of Heavy Equipment Operator in the Public Service Department. The base salary will be \$30,556.00. The effective date will be September 28, 2015. This appointment is subject to the satisfactory completion of the Civil Service requirements and a physical.

Mayor Herzig asked for discussion.

There was a brief discussion regarding the skills evaluation and training that were being put in place leading to all City employed Heavy Equipment Operators being certified and/or licensed on various/multiple pieces of City Equipment.

Hearing no further discussion, Mayor Herzig asked the Clerk to call the roll.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: Council Member Southard

MOTION CARRIED, 7-0-1

ADDITIONAL BUSINESS

Mayor Herzig stated there was no additional business.

CORRESPONDENCE

City Clerk Powell gave a brief summary on the following correspondence:

•The following was received from Eleonore Roll, 163 Heritage Circle Apt 115, Oneonta, NY, dated September 3, 2015:

*“Office of Oneonta Public Transportation
Mr. Paul Patterson Transportation Director
Acting Mayor Russ Southard*

After seventy-four years in Long Island, I have located to the Plains at 163 Heritage Circle in Oneonta. For over four years, I have been a rider on the OPT handicapped bus. Your quality of service is exceptional and the cost is affordable.

I applaud the commitment of all the OPT personnel. The office responds to my requests for changes in my scheduling with graciousness and understanding. My physical limitations are respected and accepted. Fran, Roger and Roy are excellent drivers. They are professional, concerned, and never complain. Always, they are willing to go the extra mile with a smile when I need help getting on or off the bus. Hopefully my wheelchair use will be limited, and I will return to my walker.

Thank you for your kindness. It is special and you make my world a little nicer.

Sincerely,”

SPECIAL ORDER(S) OF THE DAY

Mayor Herzig said there were no special orders of the day.

OPEN FORUM

Mayor Herzig asked for anyone who wished to speak during the open forum.

Council Member Rissberger said the owner of the Church Street Laundromat wanted to forward a thank you to the Water Department, especially Tom Pondolino. He appreciated all the communication and the effort put forth to coordinate getting the hydrants flushed and his ability to keep his business open during that time.

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Council Member Brzozowski said returning to the first order of business, Constitution Week. There is a Main Street window display at the Greater Oneonta History Society prepared by the DAR.

Council Member Palmer said she wanted to remind everyone that on top of all the new students coming in; we also have a lot of alumni coming back. Alumni weekend is coming up. The hotels are going to full, traffic is going to be heavy and the golf course is going to be very busy. Alumni weekend starts October 2nd, but it starts the Wednesday before. Everyone is welcome to the Armory Friday, October 2nd, there is usually a huge crowd and it is a lot of fun.

Oneonta Town Supervisor Bob Wood said he wanted everyone to know the Town had been going through Public Hearings for the last two months concerning the Reservoir Protection Law. The Town had been working on this since 2013, and he believed it would be passed next month. This law would provide a lot of protection for City of Oneonta residents. It includes many restrictions on sub-division in the reservoir area, also wellhead protection for the County Route 8 well, restrictions on use of pesticides, and containment of fuel tank storage facilities including secondary containment requirements for new construction of homes. It will do a lot for protecting the reservoir. The Town has been working for a long time through a very difficult process for both the benefit of the at least 2,000 town residents who use city water. but the residents of the City itself.

Mayor Herzig thanked Town Supervisor Wood and asked if there was anyone else who wished to address the Council.

EXECUTIVE SESSION

Hearing no comment, Mayor Herzig stated there were some specific personnel issues to be discussed and asked for a motion for Executive Session.

MOTION, made by Council member Hennessy and seconded by Council Member Rissberger that the Common Council enter into Executive Session to discuss a personnel matter. Hearing no discussion, Mayor Herzig asked the Clerk to call the roll.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes

Noes: None.

Absent: Council Member Southard

MOTION CARRIED, 7-0-1

Mayor Herzig stated that there might be additional action following Executive Session.

Council entered Executive Session at 8:05 pm and left Executive Session at 8:47 pm.

City Attorney Merzig stated that a motion was made to come out of Executive Session. It was passed by unanimous vote.

MOTION, made by Council Member Malone and seconded by Council Member Holmes that Common Council approves the following resolution:

Resolution to Terminate General Municipal Law 207-A (1) Benefits

WHEREAS, Firefighter No. 24217 (“Firefighter”) claimed to have been injured in the performance of duty on November 16, 2011 and the Firefighter filed a claim for benefits under General Municipal Law (“GML”) Section 207-a(1);

WHEREAS, the City of Oneonta (“City”), based on the information then available to it, awarded GML 207-a (1) benefits to the Firefighter; and

WHEREAS, the City has received the results of a recent medical examination which concluded that the Firefighter's claimed injury is not causally related to the claimed incident of November 16, 2011 and that any continuing disability is due to non-work related and pre-existing conditions; and

WHEREAS, it appears that the original award of GML 207-a(1) benefits may have been made by the City in error and/or that the Firefighter no longer has a causally related injury to warrant the continuation of payments of benefits under GML 207-a(1); and

WHEREAS, the negotiated GML 207-a procedure at issue provides for the City's termination of a firefighter's ongoing GML 207-a benefits, subject to adjudication of the city's determination at binding arbitration as provided for under said procedure;

NOW, after due deliberation thereon, the City Council resolves as follows:

RESOLVED, that the GML 207-a benefits awarded to Firefighter No 24217 be terminated as provided for under the negotiated GM: 207-a procedure;

RESOLVED, that the Acting City Manager and Coughlin & Gerhart, LLP as legal counsel for City, are authorized to take such actions so as to: notice the City's determination to terminate the GML 207-a benefits for Firefighter No. 24217 as required by the negotiated GML 207-a procedure; select an arbitrator and arrange for the expeditious arbitration of the City's determination as provided for under the negotiated GML 207-a procedure; and take such other actions as may be necessary to effect or defend said determination of benefits.

Mayor Herzig asked for discussion. Hearing no discussion, Mayor Herzig asked the Clerk to take the roll.

Voting Ayes: Council Member Hennessy
Council Member Malone
Council Member Rissberger
Council Member Lynch
Council Member Palmer
Council Member Brzozowski
Council Member Holmes
Noes: None.
Absent: Council Member Southard

MOTION CARRIED, 7-0-1

There being no further discussion or business to come before the Common Council, Mayor Herzig adjourned the regular meeting at 8:52 p.m., until Tuesday, October 6, 2015 at 7:00 p.m.

I, NANCY S. POWELL, City Clerk and Clerk of the Common Council, DO HEREBY CERTIFY that the foregoing is a true and correct report of all Motions, Resolutions and Ordinances passed or enacted, and all other procedures had and taken by the Common Council at the Regular Meeting held on September 15, 2015.

NANCY S. POWELL, City Clerk

I, GARY HERZIG, Mayor of the City of Oneonta, New York, DO HEREBY AFFIX my name and seal of the City of Oneonta, New York this 15th day of September, 2015, approving the foregoing procedures had and taken by the Common Council at the Regular Meeting held on September 1, 2015.

GARY HERZIG, Acting Mayor